

TITLE 50 STATE BOARD OF TAX COMMISSIONERS

Final Rule

LSA Document #00-108(F)

DIGEST

Adds 50 IAC 2.3 to incorporate a manual that establishes rules and guidelines for the assessment of real property. Repeals 50 IAC 2.2-1-1, 50 IAC 2.2-1-2, 50 IAC 2.2-1-3, 50 IAC 2.2-1-4, 50 IAC 2.2-1-5, 50 IAC 2.2-1-6, 50 IAC 2.2-1-7, 50 IAC 2.2-1-8, 50 IAC 2.2-1-9, 50 IAC 2.2-1-10, 50 IAC 2.2-1-11, 50 IAC 2.2-1-12, 50 IAC 2.2-1-13, 50 IAC 2.2-1-14, 50 IAC 2.2-1-15, 50 IAC 2.2-1-16, 50 IAC 2.2-1-17, 50 IAC 2.2-1-18, 50 IAC 2.2-1-19, 50 IAC 2.2-1-20, 50 IAC 2.2-1-21, 50 IAC 2.2-1-22, 50 IAC 2.2-1-23, 50 IAC 2.2-1-24, 50 IAC 2.2-1-25.1, 50 IAC 2.2-1-26, 50 IAC 2.2-1-27, 50 IAC 2.2-1-28, 50 IAC 2.2-1-29, 50 IAC 2.2-1-30, 50 IAC 2.2-1-31, 50 IAC 2.2-1-32, 50 IAC 2.2-1-33, 50 IAC 2.2-1-34, 50 IAC 2.2-1-35, 50 IAC 2.2-1-36, 50 IAC 2.2-1-37, 50 IAC 2.2-1-38, 50 IAC 2.2-1-39, 50 IAC 2.2-1-40, 50 IAC 2.2-1-41, 50 IAC 2.2-1-42, 50 IAC 2.2-1-43, 50 IAC 2.2-1-44, 50 IAC 2.2-1-45, 50 IAC 2.2-1-46, 50 IAC 2.2-1-47, 50 IAC 2.2-1-48, 50 IAC 2.2-1-49, 50 IAC 2.2-1-50, 50 IAC 2.2-1-51, 50 IAC 2.2-1-52, 50 IAC 2.2-1-53, 50 IAC 2.2-1-53.5; 50 IAC 2.2-1-54, 50 IAC 2.2-1-55, 50 IAC 2.2-1-56, 50 IAC 2.2-1-57, 50 IAC 2.2-1-58, 50 IAC 2.2-1-59, 50 IAC 2.2-1-60, 50 IAC 2.2-1-61, 50 IAC 2.2-1-62, 50 IAC 2.2-1-63, 50 IAC 2.2-2, 50 IAC 2.2-3, 50 IAC 2.2-4-1, 50 IAC 2.2-4-5, 50 IAC 2.2-4-6, 50 IAC 2.2-4-7, 50 IAC 2.2-4-8, 50 IAC 2.2-4-9, 50 IAC 2.2-4-10, 50 IAC 2.2-4-11, 50 IAC 2.2-4-12, 50 IAC 2.2-4-13, 50 IAC 2.2-4-14, 50 IAC 2.2-4-15, 50 IAC 2.2-4-16, 50 IAC 2.2-4-17, 50 IAC 2.2-4-18, 50 IAC 2.2-4-19, 50 IAC 2.2-5, 50 IAC 2.2-6, 50 IAC 2.2-7-1, 50 IAC 2.2-7-2, 50 IAC 2.2-7-3, 50 IAC 2.2-7-4, 50 IAC 2.2-7-5, 50 IAC 2.2-7-6, 50 IAC 2.2-7-7.1, 50 IAC 2.2-7-8.1, 50 IAC 2.2-7-9, 50 IAC 2.2-7-10, 50 IAC 2.2-7-11, 50 IAC 2.2-7-12, 50 IAC 2.2-8, 50 IAC 2.2-9, 50 IAC 2.2-10-1, 50 IAC 2.2-10-2, 50 IAC 2.2-10-3, 50 IAC 2.2-10-4, 50 IAC 2.2-10-5, 50 IAC 2.2-10-6.1, 50 IAC 2.2-10-7, 50 IAC 2.2-10-8, 50 IAC 2.2-11-1, 50 IAC 2.2-11-2, 50 IAC 2.2-11-3, 50 IAC 2.2-11-4.1, 50 IAC 2.2-11-5.1, 50 IAC 2.2-11-6, 50 IAC 2.2-11-7, 50 IAC 2.2-12-1, 50 IAC 2.2-12-2, 50 IAC 2.2-12-3, 50 IAC 2.2-12-4, 50 IAC 2.2-12-5, 50 IAC 2.2-12-6.1, 50 IAC 2.2-12-7, 50 IAC 2.2-12-8, 50 IAC 2.2-13, 50 IAC 2.2-14, 50 IAC 2.2-15, 50 IAC 2.2-16-1, 50 IAC 2.2-16-2, 50 IAC 2.2-16-3, 50 IAC 2.2-16-4.1, 50 IAC 2.2-16-5, 50 IAC 2.2-16-6, and 50 IAC 6.1. Effective 30 days after filing with the secretary of state.

SECTION 1. 50 IAC 2.3 IS ADDED TO READ AS FOLLOWS:

ARTICLE 2.3. REAL PROPERTY ASSESSMENT MANUAL

Rule 1. 2002 Real Property Assessment Manual

50 IAC 2.3-1-1 Applicability, Provisions, and Procedures

Authority: IC 4-22-2-21; IC 6-1.1-4-26; IC 6-1.1-31-1; IC 6-1.1-31-2; IC 6-1.1-31-3; IC 6-1.1-31-5; IC 6-1.1-31-6; and IC 6-1.1-35-1

Affected: IC 5-3-1; IC 6-1.1-4; IC 6-1.1-15; IC 6-1.1-31-5

Sec. 1. (a) This article applies to the assessment of all real property under IC 6-1.1-4.

(b) All real property assessed after February 28, 2002, must be assessed in accordance with the 2002 Real Property Assessment Manual, incorporated by reference under section 2 of this rule.

(c) In addition to the requirements established in the 2002 Real Property Assessment Manual and to fully address the requirements of IC 6-1.1-31-6, the county assessor must select a set of more specific guidelines to be applied by assessing officials in connection with the assessment of real property in their county. These guidelines must:

- (1) contain provisions for the determination of true tax value following the instructions in the section of the 2002 Real Property Assessment Manual entitled "Approval of Mass Appraisal Methods"; and
- (2) be approved by the state board of tax commissioners.

The state board of tax commissioners has approved the provisions contained in the “Real Property Assessment Guidelines for 2002–Version ‘A’” dated May 10, 2001, incorporated by reference under section 2 of this rule. Other real property assessment guidelines proposed by a county, must be submitted to, and approved by, the state board of tax commissioners before they may be used for the assessment of real property in that county.

(d) The purpose of this rule is to accurately determine “True Tax Value” as defined in the 2002 Real Property Assessment Manual, not to mandate that any specific assessment method be followed. The intent of the state board of tax commissioners is that any individual assessment is to be deemed accurate if it is a reasonable measure of “True Tax Value” as defined in the 2002 Real Property Assessment Manual. No technical failure to comply with the procedures of a specific assessing method violates this rule so long as the individual assessment is a reasonable measure of “True Tax Value,” and failure to comply with the Real Property Assessment Guidelines for 2002-Version ‘A’ or other guidelines approved under subsection (c) does not in itself show that the assessment is not a reasonable measure of “True Tax Value.”

(e) After July 1, 2001, and before August 1, 2001, the county assessor shall make the selection required under subsection (c). The method selected under subsection (c) must be used by all the assessing officials within the county, will serve as the appropriate method for calculating an assessment that is appealed under IC 6-1.1-15, and govern throughout the effective period of the 2002 reassessment. No method, other than the method selected by the county assessor under subsection (c), may be used for the assessment of real property under IC 6-1.1-4 within the county. Before August 1, 2001, the county assessor shall publish the selected method in accordance with IC 5-3-1 and notify the state board of tax commissioners, in writing, of the selection.

(f) If the county assessor elects, pursuant to IC 6-1.1-31-5, to consider additional factors not provided for in this rule or the manual incorporated herein by reference, the county assessor shall submit a written request for approval of such factors by the state board of tax commissioners, at least sixty (60) days before the assessments are made, and no later than January 1, 2002. (*State Board of Tax Commissioners; 50 IAC 2.3-1-1*)

50 IAC 2.3-1-2 Incorporation by reference

Authority: IC 4-22-2-21; IC 6-1.1-4-26; IC 6-1.1-31-1; IC 6-1.1-31-2; IC 6-1.1-31-3; IC 6-1.1-31-5; IC 6-1.1-31-6; and IC 6-1.1-35-1

Affected: IC 6-1.1

Sec. 2. (a) As used in this article, “2002 Real Property Assessment Manual” refers to the 2002 Real Property Assessment Manual, published by the state board of tax commissioners and dated May 10, 2001.

(b) As used in this article, “Real Property Assessment Guidelines for 2002-Version ‘A’” refers to the Real Property Assessment Guidelines for 2002-Version ‘A,’ published by the state board of tax commissioners and dated May 10, 2001. The Real Property Assessment Guidelines for 2002-Version ‘A’ are Exhibit 1 to the 2002 Real Property Assessment Manual.

(c) The 2002 Real Property Assessment Manual and Real Property Assessment Guidelines for 2002-Version ‘A’ is incorporated by reference under the authority of IC 4-22-2-21(a)(3). (*State Board of Tax Commissioners; 50 IAC 2.3-1-2*)

SECTION 2. THE FOLLOWING ARE REPEALED: 50 IAC 2.2-1-1; 50 IAC 2.2-1-2; 50 IAC 2.2-1-3; 50 IAC 2.2-1-4; 50 IAC 2.2-1-5; 50 IAC 2.2-1-6; 50 IAC 2.2-1-7; 50 IAC 2.2-1-8; 50 IAC 2.2-1-9; 50 IAC 2.2-1-10; 50 IAC 2.2-1-11; 50 IAC 2.2-1-12; 50 IAC 2.2-1-13; 50 IAC 2.2-1-14; 50 IAC 2.2-1-15; 50 IAC 2.2-1-16; 50 IAC 2.2-1-17; 50 IAC 2.2-1-18; 50 IAC 2.2-1-19; 50 IAC 2.2-1-20; 50 IAC 2.2-1-21; 50 IAC 2.2-1-22; 50 IAC 2.2-1-23; 50 IAC 2.2-1-24; 50 IAC 2.2-1-25.1; 50 IAC 2.2-1-26; 50 IAC 2.2-1-27; 50 IAC 2.2-1-28; 50 IAC 2.2-1-29; 50 IAC 2.2-1-30; 50 IAC 2.2-1-31; 50 IAC 2.2-1-32; 50 IAC 2.2-1-33; 50 IAC 2.2-1-34; 50 IAC 2.2-1-35; 50 IAC 2.2-1-36; 50 IAC 2.2-1-37; 50 IAC 2.2-1-38; 50 IAC 2.2-1-39; 50 IAC 2.2-1-40; 50 IAC 2.2-1-41; 50 IAC 2.2-1-42; 50 IAC 2.2-1-43; 50 IAC 2.2-1-44; 50 IAC 2.2-1-45; 50 IAC 2.2-1-46; 50 IAC 2.2-1-47; 50 IAC 2.2-1-48; 50 IAC 2.2-1-49; 50 IAC 2.2-1-50; 50 IAC 2.2-1-51; 50 IAC 2.2-1-52; 50 IAC 2.2-1-53; 50 IAC 2.2-1-53.5; 50 IAC 2.2-1-54; 50 IAC 2.2-1-55; 50 IAC 2.2-1-56;

50 IAC 2.2-1-57; 50 IAC 2.2-1-58; 50 IAC 2.2-1-59; 50 IAC 2.2-1-60; 50 IAC 2.2-1-61; 50 IAC 2.2-1-62; 50 IAC 2.2-1-63; 50 IAC 2.2-2; 50 IAC 2.2-3; 50 IAC 2.2-4-1; 50 IAC 2.2-4-5; 50 IAC 2.2-4-6; 50 IAC 2.2-4-7; 50 IAC 2.2-4-8; 50 IAC 2.2-4-9; 50 IAC 2.2-4-10; 50 IAC 2.2-4-11; 50 IAC 2.2-4-12; 50 IAC 2.2-4-13; 50 IAC 2.2-4-14; 50 IAC 2.2-4-15; 50 IAC 2.2-4-16; 50 IAC 2.2-4-17; 50 IAC 2.2-4-18; 50 IAC 2.2-4-19; 50 IAC 2.2-5; 50 IAC 2.2-6; 50 IAC 2.2-7-1; 50 IAC 2.2-7-2; 50 IAC 2.2-7-3; 50 IAC 2.2-7-4; 50 IAC 2.2-7-5; 50 IAC 2.2-7-6; 50 IAC 2.2-7-7.1; 50 IAC 2.2-7-8.1; 50 IAC 2.2-7-9; 50 IAC 2.2-7-10; 50 IAC 2.2-7-11; 50 IAC 2.2-7-12; 50 IAC 2.2-8; 50 IAC 2.2-9; 50 IAC 2.2-10-1; 50 IAC 2.2-10-2; 50 IAC 2.2-10-3; 50 IAC 2.2-10-4; 50 IAC 2.2-10-5; 50 IAC 2.2-10-6.1; 50 IAC 2.2-10-7; 50 IAC 2.2-10-8; 50 IAC 2.2-11-1; 50 IAC 2.2-11-2; 50 IAC 2.2-11-3; 50 IAC 2.2-11-4.1; 50 IAC 2.2-11-5.1; 50 IAC 2.2-11-6; 50 IAC 2.2-11-7; 50 IAC 2.2-12-1; 50 IAC 2.2-12-2; 50 IAC 2.2-12-3; 50 IAC 2.2-12-4; 50 IAC 2.2-12-5; 50 IAC 2.2-12-6.1; 50 IAC 2.2-12-7; 50 IAC 2.2-12-8; 50 IAC 2.2-13; 50 IAC 2.2-14; 50 IAC 2.2-15; 50 IAC 2.2-16-1; 50 IAC 2.2-16-2; 50 IAC 2.2-16-3; 50 IAC 2.2-16-4.1; 50 IAC 2.2-16-5; 50 IAC 2.2-16-6; 50 IAC 6.1.

SECTION 3. SECTION 2 of this document takes effect on March 1, 2002.

Signature page for:

FINAL RULE
LSA Document #00-108(F)

The foregoing final rule was approved and adopted by a vote of 3-0 at a meeting of the State Board of Tax Commissioners convened at 3:00 p.m. on May 10, 2001.

STATE BOARD OF TAX COMMISSIONERS



Timothy A. Brooks, Chairman

ATTEST:

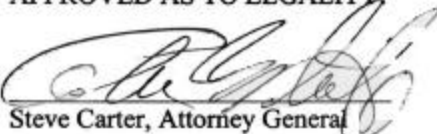


Jon Laramore, Executive Secretary

5/10/01

Date

APPROVED AS TO LEGALITY:



Steve Carter, Attorney General

5/15/01

Date

APPROVED:



Frank O'Bannon, Governor

5/22/01

Date

FILED:



Sue Anne Gilroy, Secretary of State

5/23/01 4:00 PM SD

Date